



State of Wisconsin
2009 – 2010 LEGISLATURE

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**ASSEMBLY AMENDMENT 3,
TO 2009 SENATE BILL 400**

April 14, 2010 – Offered by Representative Radcliffe.

*** AUTHORS SUBJECT TO CHANGE ***

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 12: after that line insert:

3 “**SECTION 3m.** 23.33 (4) (a) of the statutes is amended to read:

4 23.33 **(4)** (a) *Freeways*. No person may operate an all-terrain vehicle upon any
5 part of any freeway which is a part of the federal system of interstate and defense
6 highways. No person may operate an all-terrain vehicle upon any part of any other
7 freeway unless the department of transportation authorizes all-terrain vehicle use
8 on that freeway. No person may operate an all-terrain vehicle with a snow removal
9 device attached upon any part of any freeway under any circumstances.”.

10 **2.** Page 2, line 16: after “(f)” insert “and sub. (11) (am) 2. to 5.”.

11 **3.** Page 2, line 19: substitute “prohibited” for “provided”.

12 **4.** Page 2, line 20: substitute “under” for “in”.

1 **5.** Page 2, line 20: after “(a),” insert “and subject to ordinances enacted under
2 sub. (11) (am) 2. to 5.”.

3 **6.** Page 3, line 25: after that line insert:

4 “**SECTION 6m.** 23.33 (6) (h) of the statutes is created to read:

5 23.33 **(6)** (h) A person who operates an all-terrain vehicle with a snow removal
6 device attached as authorized under s. 23.33 (4) (f) is required to display at least one
7 or more flashing or rotating amber or yellow lights, and at least one of these lights
8 shall be visible from every direction.”.

9 **7.** Page 4, line 6: after that line insert:

10 “**SECTION 7e.** 23.33 (11) (am) of the statutes is renumbered 23.33 (11) (am) 1.
11 and amended to read:

12 23.33 **(11)** (am) 1. Any county, town, city or village may enact an ordinance
13 which is in strict conformity with this section and rules promulgated by the
14 department under this section, if the ordinance encompasses all aspects
15 encompassed by this section, except as provided in subds. 2. to 5.

16 **SECTION 7g.** 23.33 (11) (am) 2. of the statutes is created to read:

17 23.33 **(11)** (am) 2. For a roadway, or for a portion of a roadway, that is located
18 within the territorial boundaries of a city or village, the city or village may enact an
19 ordinance to prohibit all-terrain vehicles with snow removal devices attached from
20 being operated on the roadway, or adjacent to the roadway if the applicable roadway
21 speed limit is greater than 45 miles per hour and regardless of whether the city or
22 village has jurisdiction over the roadway.

23 **SECTION 7j.** 23.33 (11) (am) 3. of the statutes is created to read:

1 23.33 (11) (am) 3. For the roadway of a town highway, or for a portion of that
2 roadway, the town having jurisdiction may enact an ordinance to prohibit all-terrain
3 vehicles with snow removal devices attached from being operated on the roadway, or
4 adjacent to the roadway, if the applicable roadway speed limit is greater than 45
5 miles per hour.

6 **SECTION 7L.** 23.33 (11) (am) 4. of the statutes is created to read:

7 23.33 (11) (am) 4. For the roadway of a county highway, or for a portion of that
8 roadway, the county having jurisdiction may enact an ordinance to prohibit
9 all-terrain vehicles with snow removal devices attached from being operated on the
10 roadway, or adjacent to the roadway, if the applicable roadway speed limit is greater
11 than 45 miles per hour.

12 **SECTION 7q.** 23.33 (11) (am) 5. of the statutes is created to read:

13 23.33 (11) (am) 5. For a roadway, or for a portion of a roadway, that is under
14 the jurisdiction of the department of transportation and that is located within the
15 territorial boundaries of a county, the county may enact an ordinance to prohibit
16 all-terrain vehicles with snow removal devices attached from being operated on the
17 roadway, or adjacent to the roadway if the applicable roadway speed limit is greater
18 than 45 miles per hour and regardless of whether the county has jurisdiction over
19 the roadway.

20 **SECTION 7r.** 23.33 (12) (a) of the statutes is amended to read:

21 23.33 (12) (a) An officer of the state traffic patrol under s. 110.07 (1), inspector
22 under s. 110.07 (3), conservation warden appointed by the department under s.
23 23.10, county sheriff or municipal peace officer has authority and jurisdiction to
24 enforce this section and ordinances enacted in ~~conformity~~ accordance with this
25 section.

SECTION 7t. 345.11 (1r) of the statutes is amended to read:

345.11 (1r) The uniform traffic citation or the citation form under s. 23.54 shall be used for violations of s. 23.33 relating to highway use or ordinances enacted in ~~conformity~~ accordance with that section if the violation is committed on a highway, but no points may be assessed against the driving record of the operator of an all-terrain vehicle. When the uniform traffic citation is used, the report of conviction shall be forwarded to the department. When the citation form under s. 23.54 is used, the procedure in ss. 23.50 to 23.85 applies.”.

8. Page 4, line 12: after that line insert:

“SECTION 8p. 938.343 (9) of the statutes is amended to read:

938.343 (9) ALL-TERRAIN VEHICLE SAFETY COURSE. If the violation is one under s. 23.33 or under an ordinance enacted in conformity accordance with s. 23.33 concerning the use of all-terrain vehicles, order the juvenile to attend an all-terrain vehicle safety course.”.

(END)